

Application No. 10/659,615
Reply to Final Office Action Dated October 4, 2005

Remarks/Arguments

Entry of the foregoing amendment is respectfully requested. It is respectfully submitted entry of the foregoing amendment will place this application clearly in condition for allowance.

In the final office action, claims 1, 3-6 are allowed. Claims 7-10 are rejected as anticipated by or obvious in view of the cited references, and claim 11 is objected to and indicated allowable in independent form. According to the foregoing amendment, allowed claim 4 has been amended simply to more accurately define the present invention. Claim 11 has been canceled and replaced by new claim 12, claims 7 and 8 have been canceled (without prejudice), and claims 9 and 10 are requested to be reconsidered. It is respectfully submitted that claims 9 and 10 are clearly patentable over the cited references. Hence, entry of this amendment should put this application clearly in condition for allowance.

Specifically, Lerch US Patent 5, 130, 915 ("Lerch") is applied against claim 9 as anticipating that claim, under the provisions of 35 USC 102. However, it is respectfully submitted Lerch does not anticipate claim 9, and there is no motivation from any other cited references that would render claim 9 obvious. For example, claim 9 recites, *inter alia*, that the rib members are made of **wood**, and Lerch on its face demonstrates that its dome arms 16 cannot be made of wood. Lerch, at column 3, lines 32-37, states that bracket arm 35 is **welded to the bottom of dome arm 16**. Based on that disclosure, dome arm 16 of Lerch cannot be a wooden rib. Moreover, the angle plates 40 of Lerch must be connected to the brackets 35 in order to form the lower portion of the dome shaped lighting fixture of Lerch, whereas claim 9 defines, *inter alia*, the steps of

- a. providing a compression ring,
- b. **providing a lower ring with a larger but similar shape to the compression ring, by the steps of splicing together lower ring sections to form the lower ring,**
- c. providing a plurality of ribs formed of wood and configured to extend between the lower ring and the compression ring,
- d. **positioning the compression ring in relation to the lower ring such that the compression ring is above the lower ring and in centered relation to the lower ring, and**

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e. connecting the ribs with the lower ring and the compression ring to form a dome shaped structural system. (boldface added)

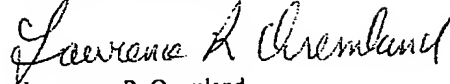
The foregoing sequence of assembly steps cannot take place in Lerch. Specifically, Lerch does not provide a lower ring by splicing together the lower ring sections, then positioning the compression ring and lower ring in the manner claimed, and then connecting the wooden ribs to the lower and compression ring in the manner claimed. In order to form the angle plates into the lower member of Lerch, the angle plates 40 must be secured to the brackets 35 that are welded to the bottoms of dome arms 16. Thus, if the assembly of angle plates of Lerch is called the lower ring, that lower ring is not provided as a separate subassembly by slicing together lower ring sections, and then positioning the ring and compression ring, and then attaching the wooden ribs to both the lower ring and the compression ring, as recited by claim 9. Moreover, claim 10 even further distinguishes the present invention from the cited references. For example, Claim 10 recites, *inter alia*, that in applicant's method, the compression ring has a plurality of rib mounting flanges, the lower ring has a plurality of rib support members, the ends of the ribs that are configured to be connected with the compression ring have slots, each of which is configured to be received by a respective rib mounting flange, and wherein the step of connecting the ribs with the lower ring and compression ring comprises positioning each rib with the end of the rib that is opposite to the slot resting on a rib support member and the slot receiving a respective rib mounting flange. Lerch does not disclose or suggest such a method, and nothing in Percy would disclose or suggest modification of Lerch to provide a method that includes, *inter alia*, providing the lower ring as a separate subassembly by slicing together lower ring sections, and then positioning the lower ring and compression ring in the manner defined by Claim 10, and then attaching the wooden ribs to both the lower ring and the compression ring, as recited by claim 10.

Accordingly, for the reasons set forth above, it is respectfully submitted that the present invention, as set forth by, is not disclosed in or obvious from the cited references.

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Favorable action is respectfully requested.

Respectfully submitted,



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